

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**DAVID S. GRONIK, JR., et al.,
Plaintiffs,**

v.

Case No. 10-CV-954

**SUSAN BALTHASAR, et al.,
Defendants,**

and

**SHOREWEST REALTORS, INC.,
CONTINENTAL CASUALTY COMPANY, and
ANNE SCHWARTZ,
Third-Party Defendants,**

and

**OPIO BOAT MOON, LLC, et al.,
Plaintiffs,**

v.

Case No. 11-CV-697

**CHUBB INDEMNITY INSURANCE COMPANY,
Defendant.**

ORDER

On July 31, 2014, plaintiffs filed a motion to seal, which asks the court to seal an Affidavit from Scott Halloin, plaintiffs' attorney (Docket #555). I will deny this motion as moot because plaintiffs never actually filed the affidavit. Therefore, there is nothing for the clerk to seal.

Around the same time, Chubb Indemnity Insurance Company and Federal Insurance Company, in their capacity as the insurers for the Balthasars, also filed motions

to seal (Docket #554 and 557). The documents they seek to seal are copies of the settlement agreement entered into between the parties in Case No. 10-CV-00954, copies of communications between counsel discussing the settlement and a copy of an unsigned, unfiled motion for enforcement of the settlement agreement. Since the documents the parties seek to seal were not presented in connection with an actual motion for relief, and I did not make any rulings based on them, I will give the parties the opportunity to withdraw them. If the parties choose to withdraw their documents, I will deny their motions to seal as moot. *See Baxter Int'l, Inc. v. Abbott Labs.*, 297 F.3d 544, 548 (7th Cir 2002) (noting that there is a presumption of public access to “materials that formed the basis of the parties’ dispute and the district court’s resolution”).

THEREFORE, IT IS ORDERED that plaintiffs’ motion to seal (Docket #555) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Chubb Indemnity Insurance Company and Federal Insurance Company, in their capacities as the insurers for the Balthasars, have until **March 13, 2014** to notify the court of their intent to withdraw the sealed documents at Docket #556 and 558.

Dated at Milwaukee, Wisconsin, this 3rd day of March 2014.

s/ Lynn Adelman

LYNN ADELMAN
District Judge